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IN RE: PENDING CRIMINAL CASES WITH SOURCE CODE ISSUES.

**ORDER**

82 CV 10 3

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This Order applies to all criminal cases pending in Washington County District Court in which a challenge to the source code for the Intoxilyzer 5000EN has been filed or otherwise raised. It is the intent of this Order to establish a system to keep these cases proceeding along in an orderly and efficient manner. This Order applies to all criminal cases whether or not they will be consolidated with the cases being decided by Judge Abrams. This Order is intended to narrow the issues in source code cases, so that those cases will be ready to be determined, either by Judge Abrams or by a Washington County Judge, strictly and solely on the source code issues. This Order does not change any of the requirements put forth by Judge Abrams for his consideration of source code issues cases.

1. No later than June 10, 2010, any party with a source code issue, shall either:
  - a. In writing waive all other (non-source code) issues; or,
  - b. Identify for the Court the specific issues (other than source code) to be litigated in the case.
2. If issues other than source code exist, then the party shall also:
  - a. File and serve a proper motion relative to said issue(s).
  - b. Contact Deb Lepper (651-430-6292) providing to her a best estimate of court time needed to conduct a contested hearing to litigate the issue(s) being raised and to obtain the hearing date to be included in the motion.
  - c. All motions must be filed and served no later than June 22, 2010.
3. If a proper motion has already been served and filed, counsel shall still contact Deb Lepper (651-430-6292) providing to her a best estimate of court time needed to conduct a contested hearing to litigate the issue(s) being raised and to obtain a hearing date for the motion.
4. The court administrator of the Washington County District Court will schedule all cases, in which other (non-source code) issues have been identified, for contested evidentiary hearings.

All hearings will be scheduled so that all non-source code issues can be heard and decided in advance of September 7, 2010. Parties will be expected to appear on time at the scheduled hearings and be ready to proceed to call witnesses.

5. The Court Administrator of the Washington County District Court is hereby ordered and directed to mail a true and correct copy of this Order to each of the parties or their attorneys to each case affected by this Order.

IT IS SO ORDERED.

Dated: \_\_\_\_\_

May 26, 2010



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Gregory G. Galler  
Judge of District Court